

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

Delshone Thomas and Gwendolyn
Cheney,

Plaintiffs,

v.

Georgia Department of Community
Health and Caylee Noggle, in her
official capacity as Commissioner of
the Georgia Department of
Community Health,

Defendants.

Civil Action No. 1:21-cv-02558-LMM

JOINT STATUS REPORT

The parties respectfully submit this Joint Status Report pursuant to this Court's April 27, 2022, Order directing the parties "to file within sixty (60) days of the date of this Order either (1) the necessary documents to dismiss this case or (2) a joint status update notifying the Court why they are unable to file such." [Dkt. 64].

The parties respectfully provide the following updates:

1. The parties reached an agreement in principle to resolve this case on April 26, 2022. [Dkt. 63].

2. The parties executed a Settlement Agreement and Mutual Release of All Claims (“Settlement Agreement”) on June 24, 2022. A true and correct copy of the parties’ Settlement Agreement is attached to this Joint Status Report as **Exhibit A**.

3. In accordance with the Settlement Agreement, Plaintiffs’ voluntary dismissal of the above-captioned litigation is conditioned upon Defendants’ satisfaction of the following settlement terms:

a. By July 27, 2022: Defendants will submit the necessary documentation to the Centers for Medicare and Medicaid Services (“CMS”) to amend and remove the exclusion for “transsexual surgery” from the Georgia Medicaid State Plan. Within ten (10) days of the submission of the necessary documentation, Defendants’ counsel will notify Plaintiffs’ counsel via electronic mail.

b. By July 27, 2022: Defendants will revise and remove the exclusion for “transsexual surgery” from the Georgia Department of Community Health’s (“DCH”) Medicaid policies and procedure manuals. Within ten (10) days of amendment and removal of the exclusion from DCH’s Medicaid policies and procedure manuals, Defendants’ counsel will notify Plaintiffs’ counsel via electronic mail.

c. Defendants will issue payment of the agreed upon Settlement Amount, \$350,000.00 to Plaintiffs’ counsel.

4. Defendants state that they have complied with the following terms of the Settlement Agreement terms as noted above:

a. On June 27, 2022, Defendants submitted the necessary documentation to CMS to amend and remove the exclusion for “transsexual surgery” from the Georgia Medicaid State Plan and have received confirmation from CMS that such documentation has been received. Further, Defendants’ counsel notified Plaintiffs’ counsel of such submission to CMS.

b. Defendants have begun the process of revising its Medicaid policies and procedure manuals to remove the exclusion for “transsexual surgery.” Within ten (10) days of amendment and removal of the exclusion from DCH’s Medicaid policies and procedure manuals, Defendants’ counsel will notify Plaintiffs’ counsel via electronic mail.

c. Additionally, Plaintiffs’ counsel has submitted the necessary financial paperwork to Defendants’ counsel in order to process payment of the Settlement Amount, for which payment shall be completed within thirty (30) days.

5. Based on the terms of the Settlement Agreement and the current timeline, Plaintiff expects to be able to dismiss the above-captioned lawsuit by or before mid-August 2022.

Dated: June 27, 2022

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Respectfully Submitted,

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CERTIFICATE OF COMPLIANCE

I hereby certify, in compliance with Local Rule 5.1(C), that the foregoing pleading has been prepared using 14-point Times New Roman font, with a top margin of not less than 1.5 inches and a left margin of not less than 1 inch.

/s/ Adam Reinke

Adam Reinke

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which automatically sends e-mail notification of such filing to any attorneys of record.

This 27th day of June, 2022.

/s/ Adam Reinke

Adam Reinke